

I urge my colleagues to support this measure.

Mr. SANDLIN. Mr. Speaker, I rise today to express my strong support for H.R. 16, which authorizes salary adjustments for the federal judiciary during fiscal year 2003.

Before the 107th Congress adjourned sine die, the House failed to authorize a necessary pay adjustment for the federal judiciary. The continuing resolution that the House passed on November 13, 2002, did not include the 3.1 percent cost-of-living adjustment for FY 2003 that federal judges were supposed to have received on January 1, 2003. The Ethics Reform Act of 1989 assures federal judges an annual adjustment based upon the Employment Cost Index [ECI], and Congress's failure to live up to its promise under that Act could have dire consequences for our legal system.

It is imperative that Congress takes every action necessary to ensure the viability of the federal judiciary. In his 2001 Year-End Report on the Federal Judiciary, Supreme Court Chief Justice William Rehnquist stressed the importance of annual pay adjustments and requested that Congress increase salaries as a means of attracting and retaining qualified judges. Federal judicial salaries are relatively small compared to the salaries that are earned by experienced attorneys in private practice. Relatively low judicial pay, combined with a complicated and lengthy judicial confirmation process, acts as a disincentive for qualified, dedicated attorneys to join the federal judiciary. When judicial vacancies go unfilled, the American legal system suffers.

It is inexcusable that the House failed to pass the FY 2003 Commerce, Justice and State appropriations bill, which contains the necessary authorization and appropriation for a federal judicial pay adjustment, during the 107th Congress. While Congress managed to give itself a pay raise for the current fiscal year, the federal judiciary was hung out to dry. Mr. Speaker, our system of justice is among the best in the world, and as the peoples' representatives, we should do all that we can to ensure the future viability of the judiciary. I am pleased that the House has finally considered this long-overdue legislation, and I urge my colleagues to support it.

Mr. CONYERS. Mr. Speaker, I rise in support of this critical legislation, of which I am an original cosponsor. This bill provides the federal judiciary with a much needed cost of living adjustment (COLA) for their salary. I also would like to thank Chairman SENSENBRENNER for his leadership and bipartisanship on this issue.

The Constitution mandates that the pay of federal judges "shall not be diminished during their Continuance in Office." Unfortunately, by failing to provide judges with annual COLA's over the last decade, they have faced the equivalent of a \$77,000 reduction in salary. Currently, federal district court judges earn \$150,000 per year. This is much less than they could earn in private practice; in fact, it is less than an attorney right out of law school can earn in private practice. Even the judges' employees, those who work at the Administrative Office of the U.S. Courts make more than their employers. In the last 30 years, while average pay has increased 12 percent for most workers, it had decreased 25 percent for federal judges.

This issue can seem to be just a matter of salary, but it extends deeply into our concept

of a democracy and judicial independence. The Constitution establishes a system of checks and balances, granting independent judges lifetime tenure and the right to an undiminished salary, in order to ensure the judiciary remains independent of financial, political, and social pressures. Unfortunately, many federal judges are leaving the bench for private practice, and many experienced and qualified private practitioners are deterred from serving in the judiciary. The pay disparity has diminished the independence of our third branch and made it difficult to attract and retain qualified attorneys.

This is why I was surprised when the continuing resolution Congress approved last session gave a cost of living adjustment to most federal employees except judges. The bill before us remedies this oversight by authorizing a COLA for the judiciary that is retroactive to the start of the 2003 fiscal year.

I urge my colleagues to vote "yes" on this legislation.

Mr. SENSENBRENNER. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. ISAKSON). The question is on the motion offered by the gentleman from Wisconsin (Mr. SENSENBRENNER) that the House suspend the rules and pass the bill, H.R. 16.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 4 o'clock and 10 minutes p.m.), the House stood in recess subject to the call of the Chair.

□ 1740

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. BEREUTER) at 5 o'clock and 40 minutes p.m.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 5 o'clock and 40 minutes p.m.), the House stood in recess subject to the call of the Chair.

□ 1850

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. BEREUTER) at 6 o'clock and 50 minutes p.m.

MOTION TO ADJOURN

Mr. FRANK of Massachusetts. Mr. Speaker, I move that the House do now adjourn.

The SPEAKER pro tempore. The question is on the motion to adjourn offered by the gentleman from Massachusetts (Mr. FRANK).

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. FRANK of Massachusetts. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 95, nays 315, not voting 23, as follows:

[Roll No. 9]

YEAS—95

Alexander	Hill	Pallone
Allen	Hinchey	Pastor
Andrews	Jackson (IL)	Pelosi
Bell	Jackson-Lee	Peterson (MN)
Berman	(TX)	Rangel
Berry	Jefferson	Rodriguez
Bishop (GA)	John	Ross
Boucher	Johnson, E. B.	Rothman
Brown, Corrine	Jones (OH)	Roybal-Allard
Capuano	Kaptur	Sabo
Cardoza	Kennedy (RI)	Sanchez, Loretta
Carson (IN)	Kleczka	Sanders
Clay	Lampson	Sandlin
Clyburn	Langevin	Schakowsky
Cooper	Lantos	Scott (GA)
Crowley	Larson (CT)	Skelton
Cummings	Lee	Slaughter
Davis (AL)	Lowey	Stark
Davis (TN)	Lynch	Stenholm
DeFazio	Maloney	Tauscher
Delahunt	Markey	Taylor (MS)
DeLauro	Marshall	Thompson (CA)
Deutsch	McGovern	Thompson (MS)
Dingell	Meehan	Tierney
Doggett	Menendez	Van Hollen
Emanuel	Millender-	Velazquez
Evans	McDonald	Waters
Farr	Miller, George	Watson
Filner	Neal (MA)	Wexler
Frank (MA)	Oberstar	Woolsey
Frost	Obey	Wynn
Grijalva	Olver	
Hastings (FL)	Owens	

NAYS—315

Abercrombie	Brown-Waite,	Deal (GA)
Aderholt	Ginny	DeGette
Akin	Burgess	DeLay
Baca	Burns	DeMint
Bachus	Burr	Diaz-Balart, L.
Baker	Burton (IN)	Diaz-Balart, M.
Baldwin	Buyer	Dicks
Barrett (SC)	Calvert	Dooley (CA)
Bartlett (MD)	Camp	Doolittle
Barton (TX)	Cannon	Doyle
Bass	Cantor	Dreier
Beauprez	Capito	Duncan
Becerra	Capps	Dunn
Bereuter	Carson (OK)	Edwards
Berkley	Carter	Ehlers
Biggert	Case	Emerson
Bilirakis	Castle	Engel
Bishop (NY)	Chabot	English
Bishop (UT)	Choccol	Eshoo
Blackburn	Coble	Etheridge
Blumenauer	Cole	Everett
Blunt	Collins	Fattah
Boehlert	Combest	Feeney
Boehner	Costello	Ferguson
Bonilla	Cox	Flake
Bonner	Cramer	Fletcher
Bono	Crane	Foley
Boozman	Crenshaw	Forbes
Boswell	Cubin	Ford
Boyd	Culberson	Fossella
Bradley (NH)	Cunningham	Franks (AZ)
Brady (PA)	Davis (CA)	Frelinghuysen
Brady (TX)	Davis (FL)	Galleghy
Brown (OH)	Davis (IL)	Garrett (NJ)
Brown (SC)	Davis, Jo Ann	Gephardt
	Davis, Tom	Gerlach